

TITLE 31
COUNTIES AND COUNTY LAW

CHAPTER 53
COMMISSION-MANAGER

31-5301. COMMISSION-MANAGER FORM OF GOVERNMENT. The form of government provided in this chapter shall be known as the commission-manager. Each county operating under this form shall be governed by an elected board of county commissioners and a manager appointed by the board of county commissioners and the other officers specified in the resolution or petition from the choices provided in sections [31-5307](#) through [31-5312](#), Idaho Code.

[31-5301, added 1996, ch. 283, sec. 4, p. 929.]

31-5302. MANAGER -- QUALIFICATIONS -- APPOINTMENT. (1) The manager shall be the administrative head of the county and shall be appointed by the board of county commissioners on the basis of training, experience and administrative qualifications. The manager shall serve at the pleasure of the board and may be removed by the board at any time.

(2) The manager shall be appointed by the board as soon as practicable, but not later than six (6) months after the adoption of the commission-manager form of government.

(3) The board may appoint any county elected official to serve as the manager.

[31-5302, added 1996, ch. 283, sec. 4, p. 929.]

31-5303. POWERS AND DUTIES. The manager shall:

(1) Have general supervision of the administrative functions of the county;

(2) See that the ordinances, resolutions and contracts of the board of county commissioners are complied with and faithfully executed;

(3) Furnish the board with information concerning the operations of county departments, boards or commissions, as necessary for the board to exercise its powers or as requested by the board and submit any other reports requested by the board or as he deems necessary;

(4) Prepare and submit an annual budget for the county to the board of county commissioners. The manager shall be the county budget officer and shall be responsible for the performance of the duties of the county budget officer as provided in [chapter 16, title 31](#), Idaho Code, and any other provisions of law imposing duties upon the county budget officer.

(5) Keep the board fully advised of the financial condition and needs of the county;

(6) Attend meetings of the board of county commissioners, take part in the discussions, but not vote, and recommend measures for adoption;

(7) Exercise the executive authority of the county to appoint, supervise, suspend and remove county personnel and make nominations and appointments to advisory boards and committees;

(8) Perform such other duties as the board may establish by ordinance or resolution.

[31-5303, added 1996, ch. 283, sec. 4, p. 929.]

31-5304. BOARD OF COUNTY COMMISSIONERS -- OPTIONAL SIZE -- DISTRICTS TO BE REDRAWN. (1) The legislative authority of the county shall be vested in a board of county commissioners comprised of three (3), five (5) or seven (7) members. The petition or resolution shall specify the size of the board of county commissioners and shall indicate the term of office of the commission, as provided in section [31-5305](#), Idaho Code. In no event shall the term of office of any incumbent member of the board of county commissioners be affected as a result of an increase in the size of the board of county commissioners under the provisions of this chapter.

(2) If the size of the board of county commissioners is increased, at the regular meeting of the board in January, preceding any election of additional county commissioners, the board must divide the county into the number of districts equal to the number of commissioners approved by the electors. The districts established shall be as nearly equal in population as possible. The redrawing of an existing district which places the incumbent county commissioner for that district outside of its boundaries shall not disqualify or otherwise affect the qualifications of the commissioner during his incumbency.

[31-5304, added 1996, ch. 283, sec. 4, p. 929.]

31-5305. ELECTION OF ADDITIONAL COMMISSIONERS -- ALL MEMBERS OF COMMISSION MAY BE ELECTED TO FOUR YEAR TERMS. (1) If the size of the board of county commissioners is increased, the additional commissioners shall be elected at the following general election.

(2) Except as provided in subsection (3) of this section, the additional members shall be elected for a term of two (2) years, with the allotment of the four-year term between the entire commission to proceed in numerical rotation in accordance with the provisions of section [31-703](#), Idaho Code.

(3) Notwithstanding the provisions of section [31-703](#), Idaho Code, or any other provision of law to the contrary, the petition or resolution to adopt the optional form of government provided in this chapter may provide that all members of the board of county commissioners for the county be elected to serve terms of four (4) years. If approved by the electors, the commissioner for each additional district shall be elected to a term of four (4) years and commissioners for existing districts shall be elected to a term of four (4) years upon the expiration of the commissioner's current term of office.

[31-5305, added 1996, ch. 283, sec. 4, p. 930.]

31-5306. OTHER OFFICES. (1) The resolution or petition to adopt the commission manager form of government shall further define the structure of the form by including one (1) selection from the choices specified for each of the offices listed in sections [31-5307](#) through [31-5212](#) [31-5312], Idaho Code.

(2) If the resolution or petition provides for the election of any new officers, such officers shall be elected at the general election following the adoption of the optional form of county government provided for in this chapter.

[31-5306, added 1996, ch. 283, sec. 4, p. 930; am. 1996, ch. 326, sec. 1, p. 1111.]

31-5307. COUNTY CLERK, EX OFFICIO AUDITOR AND RECORDER. For purposes of this act the duties and responsibilities of the county clerk shall be as provided in [chapter 10, title 1](#), Idaho Code, and [chapter 7, title 31](#), Idaho Code, or as otherwise prescribed by law; the duties of the county clerk as ex officio county auditor shall be as provided in [chapter 23, title 31](#), Idaho Code, or as otherwise prescribed by law; and the duties of the county clerk as ex officio county recorder shall be as provided in [chapter 24, title 31](#), Idaho Code, or as otherwise prescribed by law. A county clerk, ex officio auditor and recorder:

(1) Shall continue to be elected to a term of four (4) years and to perform all the duties and responsibilities of the office; or

(2) Shall be elected to a different term of office specified in the petition or resolution, but not to exceed four (4) years, and perform the duties and responsibilities of the county clerk, auditor and recorder; or

(3) Shall be appointed by the manager with the advice and consent of the board of county commissioners, be supervised by the manager and perform the duties and responsibilities of the county clerk, ex officio auditor and recorder; or

(4) The office shall be divided into two (2) or three (3) separate offices, with the persons to fill those offices to be elected or appointed in the manner provided in subsection (1), (2) or (3) of this section. The petition or resolution shall identify the name, duties and responsibilities of each office; or

(5) The office shall be eliminated as a separate office with the duties and responsibilities of the office to be performed by one (1) or more other elected officers or appointed persons as provided in the petition or resolution. The petition or resolution shall identify the duties of the office for which each other officer or appointee shall be responsible. The duties of the office as provided in [chapter 10, title 1](#), Idaho Code, may not be combined with or assigned to the office of the sheriff or prosecuting attorney.

[31-5307, added 1996, ch. 283, sec. 4, p. 930.]

31-5308. COUNTY TREASURER, EX OFFICIO TAX COLLECTOR AND PUBLIC ADMINISTRATOR. For purposes of this act, the duties of the county treasurer as ex officio public administrator shall be as provided in [chapter 1, title 14](#), Idaho Code; and the duties of the county treasurer as county treasurer and ex officio tax collector shall be as provided in chapters 15 and 21, [title 31](#), Idaho Code, and [title 63](#), Idaho Code, and as otherwise prescribed by law. A county treasurer, ex officio tax collector and public administrator:

(1) Shall continue to be elected to a term of four (4) years and to perform all the duties and responsibilities of the office; or

(2) Shall be elected to a different term of office to be specified in the petition or resolution, but not to exceed four (4) years, and perform all the duties and responsibilities of the office; or

(3) Shall be appointed by the manager with the advice and consent of the board of county commissioners, be supervised by the manager and perform all the duties of the office; or

(4) The office shall be divided into two (2) or three (3) separate offices, with the persons to fill those offices to be elected or appointed in the manner provided in subsection (1), (2) or (3) of this section. The petition or resolution shall identify the name, duties and responsibilities of each office; or

(5) The office shall be eliminated as a separate office with the duties and responsibilities of the office to be performed by one (1) or more other elected officers or appointed persons as provided in the petition or resolution. The petition or resolution shall identify those duties of the office for which each other officer or appointee shall be responsible.

[31-5308, added 1996, ch. 283, sec. 4, p. 931.]

31-5309. COUNTY ASSESSOR. For purposes of this act, the duties of the county assessor shall be as provided in [title 63](#), Idaho Code, and as otherwise prescribed by law. A county assessor:

(1) Shall continue to be elected to a term of four (4) years and to perform all the duties and responsibilities of the office; or

(2) Shall be elected to a term of office as provided in the resolution or petition, but not to exceed four (4) years, and perform all the duties of the office; or

(3) Shall be appointed by the manager with the advice and consent of the board of county commissioners, be supervised by the manager and perform all the duties of the office; or

(4) The office shall be eliminated with the duties and responsibilities of the office to be performed by one (1) or more other elected officers or appointed persons as provided in the resolution or petition. The resolution or petition shall identify those duties of the office for which each other officer or appointee shall be responsible.

[31-5309, added 1996, ch. 283, sec. 4, p. 932.]

31-5310. COUNTY SHERIFF. For purposes of this act, the duties of the county sheriff shall be as provided in [chapter 22, title 31](#), Idaho Code, and as otherwise prescribed by law. A county sheriff:

(1) Shall continue to be elected to a term of four (4) years and to perform all the duties and responsibilities of the office; or

(2) Shall be elected to a different term of office as provided in the resolution or petition, but not to exceed four (4) years, and perform all the duties of the office; or

(3) Shall be appointed by the manager with the advice and consent of the board of county commissioners, be supervised by the manager and perform all the duties of the office; or

(4) The office shall be eliminated with the duties and responsibilities of the office to be performed by one (1) or more other qualified elected officers or appointed persons as provided in the resolution or petition. The office of sheriff may not be consolidated with the office of the prosecuting attorney or the office of the clerk of the district court. The resolution or petition shall identify those duties of the county sheriff for which each other officer or appointee shall be responsible.

[31-5310, added 1996, ch. 283, sec. 4, p. 932.]

31-5311. COUNTY CORONER. For purposes of this act the duties of the county coroner shall be as provided in [chapter 28, title 31](#), Idaho Code, and as otherwise prescribed by law. A county coroner:

(1) Shall continue to be elected to a term of four (4) years and to perform all the duties and responsibilities of the office; or

(2) Shall be elected to a different term of office as provided in the resolution or petition, but not to exceed four (4) years, and perform all the duties of the office; or

(3) Shall be appointed by the manager with the advice and consent of the board of county commissioners, be supervised by the manager and perform all the duties of the office; or

(4) The office shall be eliminated with the duties and responsibilities of the office to be performed by one (1) or more other elected officers or appointed persons as provided in the resolution or petition. The resolution or petition shall identify those duties of the office for which each other officer or appointee shall be responsible.

[31-5311, added 1996, ch. 283, sec. 4, p. 932.]

31-5312. COUNTY PROSECUTING ATTORNEY. For purposes of this act, the duties of the county prosecuting attorney shall be as provided in [chapter 26, title 31](#), Idaho Code, and as otherwise prescribed by law. A county prosecuting attorney:

(1) Shall continue to be elected to a term of four (4) years and to perform all the duties and responsibilities of the office; or

(2) Shall be elected to a different term of office as provided in the resolution or petition, but not to exceed four (4) years, and perform all the duties of the office; or

(3) Shall be appointed by the manager with the advice and consent of the board of county commissioners, be supervised by the manager, and perform all the duties of the office; or

(4) The office shall be eliminated with the duties and responsibilities of the office to be performed by one (1) or more other qualified elected officers, appointed persons, or persons retained by the county on a contractual basis, as provided in the resolution or petition. The office of prosecuting attorney may not be consolidated with the office of sheriff or the office of clerk of the district court. The resolution or petition shall identify those duties of the office for which each other officer, appointee or party to the contract shall be responsible.

[31-5312, added 1996, ch. 283, sec. 4, p. 933.]